College. In the early modern period this status, as at other colleges, conveyed privileged admission and a position within the fellowship, ostensibly without necessity to prove or pursue particular academic merit. One beneficiary was Nathaniel Fiennes (c.1608 1669), second son of William Fiennes, 1st viscount Saye and Sale.

lifetime and subsequently, appears to exemplify the disadvantages of the system. On doser examination, however, Nathaniel emerges as a student of serious academic credentials, a distinct and sometimes influential political and religious thinker and orator, and a champion of the University of Oxford at an hour of need.

notably cowardly and precipitate manner, on 26 July 1643 surrendered control of the second most important port in the kingdom to royalist forces, dealing the most bitter blow in a summer of spectacular military reversals. Despite his subsequent attempts to justify himself to fellow MPs, he fell foul of a vindictive campaign by pamphleteers William Prynne and Clement Walker,

machinations of Saye and Sele.² Court-martialled that December, Fiennes was pronounced guilty and sentenced to death.³ -in-chief, Robert

Devereux, 3rd earl of Essex, gave him back his life and allowed him to escape into exile, but it did not restore his standing.⁴ On 10 September 1645 the next surrender of Bristol (by royalist commander Prince Rupert to Sir Thomas Fairfax and the New Model army) demonstrated to many (although not a furious Charles I) that the city was indefensible, and allowed Fiennes to resume his career in the House of Commons, but it did little to repair his popular reputation.⁵

state and Speaker of the Cromwellian Other House of Parliament, snide comments were still being made about his cowardice and ineffectualness. Diarist Thomas Burton related how, at a crowded parliamentary grand committee in January 1657, someone daimed to have spotted a pickpocket under the table.

his sword and vapoured hugely, how he would spit him, but the fellow escaped

After the Restoration facilitated in part by Fiennes and his friends Fiennes retired into relative obscurity, although he was fondly remembered in colonial Connecticut. His will and the inventory taken after his death reveal that he had been living in comfort in provincial

¹ E. Hyde, Earl of Clarendon, The History of the Rebellion and Civil Wars, ed. W. D. Macray (6 vols., Oxford, 1992), III, 107 12 [hereafter, Clarendon, History]; A copie of the articles agreed upon at the surrender of the city of Bristol (1643) (E63.15); British Library [hereafter BL], Add. MS 18980.

² Journals of the House of Commons [hereafter CJ] III, 194a, 254a, 269a; Clarendon, History, III, 254 55; Mercurius Aulicus, no. 31 (5 Aug. 1643), 421 (E.65.13); no. 32 (12 Aug. 1643), 427 8 (E.65.26); no. 40 (1 Oct. 1643), 557; no. 41 (8 Oct. 1643), 580; no. 49 (3 9 Dec. 1643), 703; no. 51 (17 23 Dec 1643), 725; no. 1 (31 Dec. 6 Jan. 1643/4), 762, 766; A true relation of the taking of Bristol (Oxford, 1643); J. Taylor, Mercurius Aquaticus (1643) (E.29.11); Colonell Fiennes his reply to a pamphlet (1643) (E.70.1); Articles of impeachment and accusation, exhibited in Parliament (1643) (E.78.3), esp. p. 9; W. Prynne, The doome of cowardice and treachery (1643).

³ State Trials, 1, 766 815.

⁴ Mercurius Aulicus no. 2 (7 13 Jan. 1643/4), 780; Calendar of State Papers Venetian, 1643 1647, p. 62 [hereafter CSP Ven. etc.]; Clarendon, History, III, 255; Bodleian Library [hereafter Bodl.], Art 4º S11 Art. BS [W. Fiennes], Vindiciae Veritatis (1654), 45 52.

⁵ CJ IV, **273a**.

⁶ Diary of Thomas Burton Esq., ed. J. T. Rutt (4 vols., 1828), I, 336 7 [hereafter, Burton, Diary]. The only surviving portrait of him, kept at the family home at Broughton Castle, near Banbury, shows him in military uniform.

⁷ CSP Colonial, America and West Indies, 1661 1668, p. 53.

Law, Politics, and Scholarship in the Seventeenth Century

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some particulars which I have not mett wi

with other tasks requiring scholarly expertise, Fiennes joined the jurist John Selden (one of the MPs for the university) and others in an attempt to resist or modify the Presbyterian purge of fellows they considered delinquent or inadequate. ²³ While in the short term their efforts were largely in vain, they probably did not go unappreciated.

In January 1648 a majority in Parliament voted not to proceed with peace negotiations with the king, whom they now held as a prisoner on the Isle of Wight, because of his rejection of their latest propositions and his secret dealings with Scottish commissioners. It is generally agreed that it was Fiennes who in February drafted a declaration in which Parliament justified its actions to the Scots and argued, in ways rarely voiced previously, for its own political preeminence.

.24 Boldly, he asserted that it was in fact the king who had erred: It is much more likely that a King should be mistaken . . . than that the whole Kingdom Represented in Parliament, should desire what would be for their own hurt 25 The experience of the previous few years of conflict had demonstrated that it was insufficient for subjects to rely on Magna Carta, or on any other legal precedent or written agreement, to guarantee their rights and liberties: Parliament also needed control over the armed forces. be in one man, they are absolute sl. With logic not far removed from Thomas Hobbes, but the more remarkable for being articulated in a document emanating from Westminster itself, Fiennes went on to argue that law was of itself powerless.

of the sword .28 For the next five years, like his father (who took

peace in the Nat

perience had shown the alternatives to be $.^{^{38}}$